

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BRUCE KING,

Petitioner,

- against -

MEMORANDUM & ORDER

03-CV-6073 (NGG)

WILLIAM E. PHILLIPS, Superintendent,
Green Haven Correctional Facility,

Respondent.

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NICHOLAS G. GARAUFIS, United States District Judge.

On June 27, 2005, this court issued an Order that, among other things, denied without prejudice Petitioner Bruce King's ("Petitioner") application for a stay and abeyance that would have allowed him to exhaust his unexhausted claims in state court. On November 4, 2005, Petitioner filed a motion that asked the court to vacate its June 27, 2005 Order and to stay and hold in abeyance his habeas corpus Petition. (Docket Entry # 12.) Petitioner furthermore supplied a proposed Amended Petition to this court on February 16, 2006. (Docket Entry # 19.) By Memorandum & Order dated October 3, 2006, the court (1) denied Petitioner's request for a stay of his Petition, and (2) granted in part and denied in part his motion to amend his Petition. (Docket Entry # 23.) Specifically, the court ordered that (1) with respect to proposed amended claims four, five, six, seven, and eight, Petitioner's motion to amend be denied, (2) with respect to proposed amended claims one, two, and three, Petitioner's motion to amend be granted, (3) Petitioner's proposed Amended Petition as it relates to these three claims be added to his original Petition, and (4) all other aspects of his original Petition remain unchanged. (Id.)

Although the court further granted Petitioner's request for an extension of time to respond

on the merits to Respondent's August 23, 2005 Affidavit and Memorandum of Law, the court did not order Respondent to respond to Petitioner's Amended Petition. Accordingly, the court hereby directs Respondent to respond to Petitioner's Amended Petition within sixty (60) days of the entry of this Order.

SO ORDERED.

/signed/

Dated: February 5, 2008
Brooklyn, N.Y.

NICHOLAS G. GARAUFIS
United States District Judge